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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,201	03/22/2004	Bernadette Depke	092970.00002	1940

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EXAMINER

MASDON, DAVID T

ART UNIT

PAPER NUMBER

2188

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/806,201	<b>Applicant(s)</b> DEPKE ET AL.	
	<b>Examiner</b> David Masdon	<b>Art Unit</b> 2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

1. The drawings filed on 3-22-2004 have been approved by the examiner.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6, 7, 11, 16, 17 rejected under 35 U.S.C. 102(b) as being anticipated by Uchida et al (US 6,526,036).

With respect to claim 1, Uchida et al discloses a system for downloading data comprising:

a memory containing information representing a time of transmission and a source of transmitted data of interest; and [(call originating source of data, latest time of transmission of data) column 25, lines 35-50]

a mechanism for designating storage of time of transmission and a source of transmitted data of interest into the memory. [(managing memory in form of table) column 25, lines 35-50]

With respect to claim 6, Uchida et al discloses the system of claim 1, wherein the system is incorporated into a radio. [(radio system) column 9, line 49]

With respect to claim 7, Uchida et al discloses the system of claim 1, further comprising a means for correlating stored time of transmission and a source of transmitted data of interest with information specifically identifying data of interest. [(table relating information) column 25, lines 35-50]

Claim 11 rejected with the same rationale as claim 1.

Claim 16 rejected with the same rationale as claim 6.

Claim 17 rejected with the same rationale as claim 7.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 4, 8, 10, 12, 14, 18 and 20 rejected under 35 U.S.C 103 (a) as being unpatentable over Uchida et al (US 6,526,036) as applied to claim 1 above, and in view of Nonaka et al. (US 2003/0046238)

As per claim 2, Uchida et al does not disclose expressly the system of claim 1, wherein the memory is a EEPROM memory. However, Nonaka et al discloses using EEPROM. (page 18, section 380)

Uchida et al and Nonaka et al are analogous art because they are from same field of endeavor, namely storing information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to incorporate the EEPROM of Nonaka et al into the system of Uchida et al. The motivation for doing so would have been to increase the versatility of the system of Uchida et al.

As per claim 4, Nonaka et al discloses the system of claim 1, wherein the memory is RAM. [(RAM) page 12, section 259]

As per claim 8, Nonaka et al discloses the system of claim 1, wherein the data of interest is music. [(music) page 10, section 221]

As per claim 10, Nonaka et al discloses the system of claim 1, wherein the data of interest is product related. [(product-related information) page 10, section 212]

Claim 12 rejected with the same rationale as claim 2.

Claim 14 rejected with the same rationale as claim 4.

Claim 18 rejected with the same rationale as claim 8.

Claim 20 rejected with the same rationale as claim 10.

6. Claims 3 and 13 rejected under 35 U.S.C 103 (a) as being unpatentable over Uchida et al (US 6,526,036) as applied to claim 1 above, and in view of Halme. (US 6,912,200)

As per claim 3, Uchida et al does not disclose expressly the system of claim 1, wherein the memory is a magnetic disc drive memory. However, Halme discloses magnetic media for memory. (column 14, lines 55-58)

Uchida et al and Halme are analogous art because they are from same field of endeavor, namely transmitting data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to incorporate the magnetic disc drive memory of Halme into the system of Uchida et al. The motivation for doing so would have been to increase the versatility of the system of Uchida et al.

Claim 13 rejected with the same rationale as claim 3.

7. Claims 5, 9, 15 and 19 rejected under 35 U.S.C 103 (a) as being unpatentable over Uchida et al (US 6,526,036) as applied to claim 1 above, and in view of Bettinger. (US 2005/0049971)

As per claim 5, Uchida et al does not disclose expressly the system of claim 1, wherein the system is incorporated into a television. However, Bettinger discloses making an archive available on a television. [(television) page 10, section 0099]

Uchida et al and Bettinger are analogous art because they are from the same field of endeavor, namely transmitting data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to incorporate the television of Bettinger into the system of Uchida et al. The motivation for doing so would have been to increase the versatility of the system of Uchida et al.

As per claim 9, Bettinger discloses the system of claim 1, wherein the data of interest is news data. [(news information) page 1, section 0005]

Claim 15 rejected with the same rationale as claim 5.

Claim 19 rejected with the same rationale as claim 9.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tateoka	2002/0027907
Wada	4,581,656
Yamamoto	5,699,177
Oba et al	6,072,599
Goreham et al	5,257,404
Takahashi	4,823,376
Okamura et al	6,266,162

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Masdon whose telephone number is (571)272-6815. The examiner can normally be reached on Monday - Friday, 7am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on (571)272-4210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DM  
Thursday, April 27, 2006

*Mano Padmanabhan*  
5/1/06

MANO PADMANABHAN  
SUPERVISORY PATENT EXAMINER